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Will Mao Turn Tito?—page 14

New Republic

The Tragedy of the Supreme Court

A review of Civil-Rights Opinions

by EUGENE GRESSMAN

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Letters

Catholicism and Democracy

● In the *NR* for July 23, 1951, Irene Spain Fullan protests the unfairness of the review of Blanshard's *Communism, Democracy and Catholic Power.* I should like to second her proposal that the *NR* "get a competent, liberal, Catholic scholar to give an answer to Blanshard." By all means the problem should be fully explored. Over the past 15 years, I have been deeply disturbed about certain policies of the Catholic Church which seemed to go beyond the field of religion and to menace some of the foundations of a democratic society. As a native Cincinnatian, I had grave misgivings over the riots in the Cincinnati suburb of St. Bernard when a Catholic-controlled school board attempted to divert public funds to the support of Catholic schools. I have been even more disturbed by the fact that my doubts concerning certain policies of the Catholic Church have been welcomed triumphantly by those who dislike Catholics because they are not Fundamental Baptists, Evangelical Brethren or something else. I am a democrat and thus a devout believer in tolerance of divergent views in all fields of human activity. I need assurance that the beliefs and policies of the Catholic Church do not menace this principle. Therefore I hope the *NR* will be able to secure a full exposition from Father Higgins, whom Mrs. Fullan suggests, or Bishop Haas, or Cardinal Spellman, or indeed any other spokesman for the Church.

To judge from discussions with my Catholic friends, the problem is a slippery one, likely to become obscured by ambiguous terms and double meanings. To prevent such misunderstanding, I should like to offer the following subjects for comment from the Catholic representative:

1. *Censorship.* The Church has attempted to suppress books, films and other items which it regards as unfriendly to its beliefs or conduct. A case in point is the strenuous (and official) Catholic effort to prevent showing of the picture, *The Miracle*, in New York. It is, of course, perfectly proper for the Church to keep its members from viewing the film. But to prevent the film from being shown bars non-Catholics from seeing it and disables them from forming their own judgments as to its truth or error. The same may be said of the Church's support of laws prohibiting advice concerning methods of birth control.

2. *Public funds for Catholic schools.* Training in Catholic dogma and principles is admittedly the sole reason for the existence of the separate Catholic schools. In order to assure equality for all religions and favoritism for none, our Constitution prohibits the use of public funds for assistance in establishing any religion. Tolerance for all beliefs is the basis for this prohibition. Use of tax funds for parochial schools violates this principle. . . .

3. *Closed system of thought.* Catholic canon law requires that Catholics "should be instructed so that they learn nothing contrary to the Catholic religion." (This may not be verbatim, since I quote from memory, but the substance is accurate.) This doctrine shows a remarkable lack of confidence in man, a distrust of his ability to distinguish for himself between right and wrong, which holds him no better than the soulless beasts; and to a non-Catholic, it might indicate the Church is reluctant to have its dogma examined on its merits. We may recognize that the principle of tolerance entitles Catholics to this view. Still, we may ask how it is to be reconciled with democratic principles of freedom of belief and thought, which necessarily imply freedom of access to information and agreement.

The actions of the Catholic Church indicate a strong intolerance in the fields it has laid out for itself. So also with the Communists, and for this we are smiting them hip and thigh. In the Catholic view, tolerance (religious and otherwise) appears to include the freedom to use this tolerance to gain the power to end it in accordance with a set of principles in which tolerance has no place. If so, the Church's opposition to Communism would seem to arise not from the fact that Communism is anti-democratic but from the fact that the authoritarian head of Communism does not happen to be the (in many respects) authoritarian head of Catholicism. We need a full and profound discussion of these problems from the Church—a discussion which we may hope will show that the Catholic Church has a legitimate place in a democracy.

Gaithersburg, Md. HARRY M. LEET

The Way We Live Now

● . . . In your August 20 issue, Kay Vining of Baltimore, Md., tries to make out that the high cost of living today is some dreadful hoax that the millions of Mr. and Mrs. Average Citizens are attempting to perpetrate on the manufacturers, packers and distributors—when, of course, the case is just the other way around.

She wants to see the budgets of some of the correspondents, but fails to mention her household income. However, she does state that the family consists of five adults, which is in itself an admission. Because even if not all five are working—which they probably are—there are fewer problems in balancing a budget for five adults than for two adults and three children. An adult does not tear the seat of his pants sliding down hills, or outgrow a pair of shoes every three months. Neither does he have to undergo periodic checkups and immunizations at the doctor's. Nor are expensive vitamins part of his everyday diet.

If these five adults can afford to spend $43 a week for food, I'll wager their income is above the $4,500 of those in Mrs. Eckels' (*NR*, July 16) class. But how many people are there whose incomes fall far below even the $4,500 figure?

With reference to Julian Einstein's comment in the August 20 *NR*, no one

(*Continued on page 4*)

Bandwagon

That's All Right, Then

The White House today reported the discovery of eight cases of spoiled canned food in Blair House, the residence of President and Mrs. Truman. The food was not intended for consumption by the Presidential family, but was for the Blair House staff. – *UP dispatch from Washington in the European edition of the New York* Herald Tribune *(Paris).*

Pinpricks

To date, the effects of the Nationalist policy of separateness seems to have resulted in increasing race tension. Actually, of course, the races have not been separated, except in such matters as fixing separate entrances to a railway station or separate coaches on suburban trains, and removing colored voters from the common roll. – *From the* Atlantic Monthly's *"Report on South Africa."*

Right in the Old Breadbasket

Several Senators contend this system [of taxation] would pyramid the increase in the middle and upper brackets. They argue that lower brackets should be hit harder as an anti-inflationary measure because the great bulk of the spending is concentrated there. – *From the Toledo, Ohio,* Blade.

Our readers are invited to contribute; $2 will be paid for each item used. Address Bandwagon, c/o New Republic. Please enclose the original clipping. – The Editors.

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New Republic

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WASHINGTON WIRE

PRESIDENT TRUMAN has started to lecture his press conferences for overdoing '52 political talk in the pre-season phase. The reporters are only reflecting the Capital's number-one interest, which continues to subordinate Korea, the San Francisco conference, Iran and inflation. In fact, Mr. Truman himself was at his best on this subject early in August, before his futile attempt to put on the brakes. The latest and most significant pre-campaign maneuver is Senator Taft's support of the arms-aid section of the Mutual-Security bill (he will do his cutting on the economic-aid title).

There is a fairly well accredited report here that Taft will send Brewster of Maine on a pilgrimage to General Eisenhower in Paris soon after the adjournment of Congress. The Senator from Maine will carry to Ike a pledge by the Taft forces that, in their drive for the Presidency, Eisenhower's European mission will be supported to the hilt. This will be new to Eisenhower, in view of Taft's voting record ("no" on both the Atlantic Pact and arms aid) and his support of Herbert Hoover last January which led to the Senator's "great debate." Whether Taft can convince the Eisenhower Republicans that the GOP is united on the European question looks doubtful from this vantage point. While speaking in Brewster's Maine last week, Taft said he was in favor of sending troops to Europe but that it would be a "good idea" to send chiefly air and naval personnel. If war appeared imminent, we could withdraw air and naval contingents more easily than we could ground forces. The Eisenhower backers are not thinking of sending to Europe only the kind of military personnel that can be evacuated "before war becomes imminent" (Senator Taft's words).

Taft himself, though he voted against the Atlantic treaty, nevertheless has constantly insisted that it automatically puts us in war when and if the Russians attack any signatory. Backlashes to his more basic position were plentiful during Taft's New England tour. He balked again over Korea and said that President Truman would answer to the nation "at his own peril" if he continued to send troops abroad without the approval of Congress. When the Atlantic Pact was voted, of course, Taft was being more "internationalist" in the other direction, toward Asia, and by the end of 1949 was in effect an "interventionist" in one small part of the world, the island of Formosa. He has a long way to go to convince the country that he can unite the GOP in a way to include the Eisenhower backers, and if he gets even half way toward that goal, he will alienate Col. Robert R. McCormick and a good segment of the GOP old guard. This week a group of "Partisan Republicans of California" took up the Colonel's theme, namely that to be for Eisenhower as a GOP nominee was somehow to be un-American. There is no such thing as unanimity here on Eisenhower's own intentions, but the odds for 1952 are still on a Truman-Eisenhower contest.

Sen. Paul Douglas has not given up his dream of nominating Ike on both tickets, with rival party candidates for Vice-President (*not* Douglas), Congress and the governorships. Douglas fears the divisive effects in this crisis of a bitter Presidential election and quotes Lincoln's warning prior to his race with McClellan in 1864: "It has long been a grave question whether any government not too strong for the liberties of its people can be strong enough to maintain its own existence in great emergencies." Douglas recalls Washington's second race at the top of a ticket split between Adams and Clinton for the Vice-Presidential spot. Everybody voted

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for Washington, he says, and yet it did not suppress the developing party strife.

The newest trial balloon in Democratic circles here—a Vinson-Douglas ticket if Truman doesn't run—must have been inflated with hot air from the start. Douglas has now practically tied with Gen. William T. Sherman in making flat disclaimers of any willingness to run, but if a miracle should occur and he changes his mind, it would not be to race for second place. Vinson's easy win over Taft in Gallup's trial heat, incidentally, is being put down to popular distaste for Taft rather than to the Chief Justice's own standing.

Notes: Taft and all candidates besides Truman, who has made his position clear, are going to be forced to restate their attitude toward McCarthyism. Democratic Senators Benton and Kefauver and the courageous Republican lady from Maine, Senator Smith, have made that inevitable through their recent speeches in the Senate. Taft's Eastern manager, Brewster, has been preparing to use McCarthyism for all it is worth in his own 1952 race for re-election. Now he must judge what effect Mrs. Smith's challenge to the GOP's McCarthy backers has had up Maine way. . . . Business publications agree that the coming inflation will hit the hardest next spring, just when the Democrats are getting ready to campaign against the GOP stand on the controls bill. Sen. Homer Capehart is complaining loudly around Capitol Hill that he is no more responsible for the amendment bearing his name than are the others who voted for it. Mr. Truman, obviously borrowing his language from Mike DiSalle, has called the Capehart amendment giving abnormal guarantees to business an "economic booby-trap" and "built-in inflation." . . . Everybody now agrees that truce developments at Kaesong will take both timing and scope from Russian moves at San Francisco. Those willing to take advantage of hindsight are scorching the State Department as "naive" for thinking it could get by at San Francisco without the accompaniment of Gromyko's discord.

Washington T.R.B.

CORRESPONDENCE

(*Continued from page 2*)

is trying to deny the advantages of democracy over totalitarianism. We who make our voices heard concerning issues affecting our lives are simply doing our duty toward making our wonderful American democratic system ***really work*** as it should. . . .

Atlanta, Ga. BETTY BENSON

The Millionaires' Amendment

● In your August 20 issue you have a contribution which implies that the proposed amendment restricting taxation on incomes to 25 percent of the total income is an iniquitous and nefarious proposal. The only argument actually advanced against the proposal is an *ad hominem* one—that those who advance it are associated with other views which the *New Republic* readers don't like.

Actually, however, it would be pertinent to determine what the political and economic effects of such a measure would be. It would presumably encourage both risk capital and risk philanthropy; since we have a free-enterprise system, one would hope that *New Republic* readers would be in favor of progress in business and philanthropy. There may be better ways of encouraging risky ventures; perhaps A. P. Lerner's proposal for negative taxation in his *Economics of Employment*, pp. 300-302, would achieve the same result with less constitutional difficulty.

The amendment would reduce the likelihood of corruption substantially and of inflation slightly. For at some point, varying with the general state of public morality, a high tax rate encourages much corruption; men who will pay 10 or 15 percent cheerfully enough begin to devise ways of evading taxes above 20 percent. And under certain circumstances high tax rates encourage inflation because they encourage men to multiply business expenses unnecessarily. A research consultant engaged in work in a number of different cities has some latitude of choice as to how much of his fees shall be passed out in expenses; when he is paying at a high rate on what he receives he is likely to decide that he might as well purchase a new car, stop at the most expensive hotel, treat potential clients to expensive meals, et cetera; whereas at a low tax rate he would decide to save as much of his money as possible.

I was unaware of the proposed amendment until I read your article on the topic; but so far as I can see, as an enemy of inflation and corruption, and an advocate of new ideas in business and philanthropy, I ought to support it. Your article would have been far more valuable if you had indicated the views of different schools of economists on the matter.

Belmont, Mass. LEWIS A. DEXTER

Achievement in Korea

● After more than a year of fighting we might ask ourselves, what have the United Nations accomplished in Korea? As for myself, I shall venture to take an optimistic point of view, suspecting that these truce talks will materialize into a valid armistice. It has frequently been emphasized by our military and diplomatic leaders that the sole purpose for intervening in Korea was to repel overt and naked aggression. That we have done this constitutes a victory in itself.

But let us look at the broader aspects of this whole problem. Just prior to the advent of these peace talks the enemy radio was saying that the Allied armies had to be driven into the sea. The adversary was also saying that Communist China would have to be admitted into the United Nations, and that Formosa would have to be turned over to her. None of these concessions has been made. My own conclusion will be that if the truce talks are successful we of the free world will have won a formidable victory.

Chicago, Ill. HOWARD RIFKIN

The Treaty of Frankfurt

● In reading Thomas R. Phillips' generally well-considered article on the prospective peace treaty with Japan, I was astonished to see him cite as a commendable example the Treaty of Frankfurt which Bismarck negotiated in 1871 with France. This was the treaty, let us remember, which stripped France of the fortresses of Strasbourg and Metz, which deprived her of virtually all Alsace and most of Lorraine, which imposed the then unprecedented indemnity of five billion francs, and which permitted a German army of occupation to remain pending payment.

This was also the treaty that led to the rapid re-militarization of France, that stimulated an inflammatory nationalism, that was in the background of the crises that brought Europe to the verge of war in the mid-seventies and again in the eighties, and that sharpened the resentments and the antagonisms that burst into fire on the battlefields of 1914.

In other words, the Treaty of Frankfurt represented all that the world today should avoid if it does not wish to pave the road to future holocausts. It is therefore disheartening to see it upheld in the *New Republic* as an example for current guidance.

STANTON A. COBLENTZ

Mill Valley, Calif.

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MUTUAL SECURITY — WHAT DOES IT MEAN?

AMONG the dozens of witnesses heard by the Congressional committees examining the Mutual-Security Program, one stood out like a sore thumb. Where almost all the others urged "full steam ahead" on strengthening the free nations through arms, industrial equipment and a modest amount of technical assistance, Merwin K. Hart, the well-known super-reactionary, dissented. "We of the National Economic Council believe," he said, "that all this reckless spending has been instigated by alien influences, by USSR influence, by British influence, by French influence, by international Socialist influence."

The members of Congress did not even bother to dispute Hart's argument. Without quite knowing it, they had become convinced disciples of internationalism. National isolation had lost its lure for the large majority. Even if only in the military sphere, they had become world thinkers. It was quite true that their conversion had come about mainly through "Soviet Russian influence," but it was a fact, nevertheless—one of the most significant events of our times. The now almost-forgotten issues of the "great debate" have been resolved in the mostly unanimous recognition that America cannot possibly renounce her worldwide responsibilities.

When it comes to a positive command of the situation, Congress seems much less certain of what it is doing. The House Foreign Affairs Committee grappled with the task of expressing a concept: "The committee emphasizes that if the program is to achieve its objective, one element of it especially must be borne in mind by our partners—*mutuality*. This is a *mutual* security program. It involves the assumption of mutual responsibilities and sacrifices to achieve a mutually desirable objective—international peace and security." There its spurt of insight gave out. It went on lamely to say that this, of course, did not mean that we would carry "the rest of the world on our backs."

Faced with a difficult political task, Congress took the easy way out. It has depended overwhelmingly on the testimony of the military, a reliance in part justified by the fact that the heart of the program is support for defensive rearmament in Europe. Essentially, it has simply seconded the strategic recommendations of the Chiefs of Staff. The military experts are the men of the hour. No one—least of all Senator Taft—has dared to advocate policies which General Eisenhower has claimed will defeat his attempt to create a workable defense force. The Administration has encouraged this feeling of dependence on the military judgment in many ways.

But the danger of allowing the whole program to rest on a label—*military*—was pointed up in the eagerness with which some of the economy-minded legislators pounced on the items labeled "*economic.*" Pentagon officials thought the "economic" items so important that they announced that if cuts had to be made, they would prefer to have them made in the "military" categories, and fill the resulting gap from the regular budget. Yet the moment it got a chance—late at night when too many Administration supporters had gone to bed—the Republican-dominated economy group put over a devastating cut in the economic funds.

The reason for the attacks on the "economic" parts of the program ran deeper than the traditional reluctance to vote funds. The Marshall Plan was supposed to be ended, wasn't it? Here we were voting more billions. Wasn't this just more of the same thing?

These were the crucial questions asked in Congress, and probably all over the country, which the Administration has failed to answer adequately. The idea behind the Marshall Plan had been widely understood and accepted in this country. The idea of mutual security has not been. The Administration has pushed the mutual-security program as something which the generals, and the boys overseas, need. But it has not gone any further basically in developing the idea of "mutuality" than the House committee.

For lack of a better idea, we talk of the *national interest* being served by arming and aiding our friends. But we leave the evaluation of that idea to those who outline our *security requirements*—an even vaguer concept. Security may or may not be synonymous with the *protection of democracy*, one of the slogans we like to wave around. At one point in the hearings Secretary Acheson said that "democracy" had not been emphasized in the language of the bill because "in the battle of words which is going on in the world 'democratic' has suffered many casualties. All the Communist re-

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gimes are called People's Democratic Republics . . . representative government and free institutions are the goal . . . [but] independence is the great thing to start with."

This would seem to indicate that a certain amount of confusion exists even in Acheson's mind, and, worse, that he may actually be willing to give up "democracy" as a victim of the "battle of words" in order to concentrate on the battle of the tanks. That attitude illustrates what seems to be a growing official confusion between means and ends. In seeking for slogans to fill the policy void, our officials fall back on pleasant-sounding words—like independence—as a substitute for compelling ideas. But it requires skillful mental gymnastics to make national *independence*, even without *democracy*, the immediate aim of a *mutual-security program* which seeks to unify the *free* nations of the world.

It is all very well not to confuse "words" or "ideas" with strategic considerations, but in the kind of world in which we are living they follow anyway. If we fail to revitalize traditional concepts with some viable new endeavor, they may indeed begin to work against us. The babble of words coming to us from Radio Moscow seem to us fantastically garbled and contradictory, yet they are cynically planned to have their effect. We hold the initiative. The initiative imposes special responsibilities and demands for bold thinking, foresight and dramatization. Instead we seem to be in danger—even as we are sending billions in arms overseas—of tangling our words and our ideas to the point where they become meaningless not only to our listeners but even to ourselves.

IRAN: CLASH OF CULTURES

IRAN IS at present second only to Korea as a world danger point; and as of August 27, things were about as bad as they could be. The Iranian-British oil negotiations, which Averell Harriman had so painfully patched up, had broken down again, and Richard Stokes, the chief British negotiator, had gone home.

The latest British offer, which had been rejected, went far beyond any earlier one. Iran's right to nationalize was accepted in principle; the Anglo-Iranian Oil Company would be liquidated; production would be nominally in the hands of the Iranians, with British advice; a new organization would buy the oil at the refinery, sell it on the world market and divide the profits, 50-50, between Great Britain and Iran.

That this offer was rejected so promptly and decisively, when so many economic considerations pushed toward acceptance, shows that the British do not yet understand the size or character of the problem they confront. They appear to be acting on at least three false assumptions:

1. That the Iranians are primarily interested in money, and are just trying to drive a hard bargain.

2. That, therefore, the Iranians are bluffing when they say they can get along without the British.

3. That only British or American technicians are capable of running these refineries.

It is terribly difficult for a once-great colonial power to adjust to the changed facts of today. The British stayed a quarter-century too long in India, at great harm to themselves and to white prestige throughout the world of the colored races. (The Dutch did the same thing in Indonesia.) The plain fact is that the Iranian leaders are not just another set of English businessmen who happen to be copper-colored and to speak an incomprehensible language. They are "fanatic nationalists"—a smear phrase that we use to describe in others the quality we call, among ourselves, "devoted patriotism." To be sure, they want money; but quite possibly they want something else even more—independence from the white man for all Asia, recognition of that theoretical equality that we always preach about but almost never practice; the utter obliteration of a bargain forced upon them many years ago that has become increasingly unendurable.

Admittedly, the Iranians are very hard to deal with; but the question remains: Do you want Iranian oil to continue to flow into Western markets where it is so badly needed? Or do you want a "moral victory" that will be recognized as such nowhere except in Britain, plus the very great risk that Iran will disappear behind the Iron Curtain and her oil production, at whatever level of output, will go to Russia? (There are many countries, including the Soviet Union, which can supply technicians to run refineries; the theory that this is a God-given secret possessed only by the Anglo-Americans is plain nonsense.)

For the sake, therefore, not only of a lot of badly needed oil, but of our own position in the Cold War, the matter must not be allowed to rest. Negotiations must be resumed; and next time, the stiff-necked British would be well advised to begin by finding out what Iran wants, rather than what Britain is willing to condescend to. The days for condescension are almost certainly past.

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THE WEEK

THE GERMAN CONTRACT

After six turmoil-filled years of occupation rule, the Bonn republic is soon to be granted a status approaching political independence. The Western High Commissioners are currently negotiating among themselves and with the Germans to fix the exact form of the new relationship. Formally it will be a contractual relationship between independent powers, something unique in modern history. The Germans will no longer have to squirm because of the inferior status accorded them in the Occupation Statute, but their sovereignty will be limited by certain reciprocal obligations toward the West, not unlike those imposed on feudal fief-holders.

The change from the occupation to the contractual relationship is an enlightened and realistic one in view of Germany's growing political maturity, her potential role in European defense and the coming into equality of her former Axis partner, Japan. Germany's growth has been dynamic, and it would be futile to attempt to retard her by continuing a fictitious occupation formula. At the same time the West will continue to exercise certain powers, not so much because Germany is a defeated country as because Germany plays a strategic role in the military and political defense of Western democracy.

Specifically, the Western powers will continue to maintain troops in Germany on an extra-territorial basis and will retain all their powers in Berlin. They are also seeking a "reserve" clause under which they would be empowered to act against any government they consider dangerous to democracy in Germany. It is difficult to see how this last proposal would work out in practice. Could the West, after encouraging Germans to consider themselves equals, suddenly step in and remove their government?

The present formula is the result of many months of negotiations among the Western powers. It reflects the State Department's recognition that its "arm Germany quickly" program was a failure and, in general, embodies the more gradualist views espoused by Britain and France. The Germans will not get all they have asked for, since the Western powers are now agreed that a too radical change in German power could upset the whole European applecart. Rather the Germans will be partners in a joint enterprise, in which their formal equality is balanced by the provision that they live up to a set of specific obligations.

Since the "contract" will not have the status of a peace treaty, Germany will not benefit from the sort of general settlement which Japan is to receive. But most Germans recognize that such questions as the final settlement of frontiers and the even more crucial one of German unity cannot be settled under present circumstances. There is some resentment against the West's continuing to consider itself responsible for the maintenance of German democracy, but that is inevitable and it is better to have this feeling out in the open. It is not a German trait to exude national gratefulness, and Germans should not be expected to assume any radically new spirit of co-operation when the contract goes into effect. They can be expected to adjust themselves to a situation which, as Chancellor Adenauer put it cautiously, is "a step toward the acceptance of Germany as an equal member of the community of nations."

TAFT-HARTLEY CHANGE

After four years on the statute books, the Taft-Hartley Act is about to be amended for the first time. The change eliminates the need for special union-shop authorization elections and removes the cloud of uncertainty thrown over approximately 4,700 existing union-shop agreements by a recent series of legal decisions. The amendment, sponsored by Senators Taft (R, Ohio) and Humphrey (D, Minn.) passed the Senate by a voice vote on August 21 and has now been sent to the House where it is virtually certain to be approved.

The United States Supreme Court precipitated Congressional action by ruling last May that officers of the CIO had to sign non-Communist affidavits before any CIO union could use the facilities of the National Labor Relations Board. The impact of this decision exploded upon the CIO early in July when the Labor Board, following the high court's ruling, knocked out a Ford-UAW union-shop contract. The Auto Workers local had won a special authorization election conducted by the board before December 22, 1949, the date CIO officials signed their non-Communist oaths. Nearly 4,700 of these agreements had been negotiated out of elections held in the period of non-compliance, and apparently each of them was invalid. The Labor Board was faced with a possible administrative tie-up, as all the unions affected prepared to file petitions for new elections.

The UAW then asked the board for reconsideration of its ruling, and in one of the rare instances in which it has reversed itself, the NLRB changed its position early in August. But the about-face was only partial, and unions and their legal counsel were left more confused than ever about their existing rights. The Taft-Humphrey amendment will clear up the whole matter by legalizing each one of these contracts.

Under the existing law, before a union may even negotiate for a union-shop agreement, it must win a special authorization election in which a majority of the employees in the plant must vote for compulsory membership. An overwhelming number of elections were won by large majorities, which often had the practical effect of strengthening a union's bargaining hand when it asked the employer to sign a union-shop contract. However, the argument used by the sponsors is that these elections are no longer necessary, as the convincing string of union victories proves, and that in addition it overtaxes the facilities of the NLRB to process the elections.

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ARMISTICE IN KOREA?

The time lost in the negotiations for a Korean truce agreement as a result of the Chinese charges of a "bombing incident" at Kaesong makes it almost certain that there can be no truce agreement before September 4 when the San Francisco conference begins.

The reasons behind the wild charge of the Korean Communists that a UN bombing plane sought "to murder our delegation" remain a mystery. The fact that the evidence of "bomb craters" offered to the UN officers who visited the scene was, as General Ridgway later declared, so utterly "preposterous" and "obviously manufactured" seems proof enough that this was a deliberate Soviet-inspired attempt to halt the truce talks. Perhaps the Russians want to make it impossible to conclude an armistice before the San Francisco meeting assembles so that they can point to a stalemate in Korea in support of their claim that neither the Korean War nor any other major issue in the Far East can be settled except by a Big Five Conference, including the Communist Chinese. The reaction of UN countries to the Communist maneuver indicates that it has solidified rather than weakened the coalition. Representatives of the 16 nations now fighting in Korea met in Washington following the North Korean blast and unanimously opposed any move for conciliation.

Some observers feel that the conduct of the Soviet negotiators could be explained entirely on the basis of a misunderstanding of our position on the question of the 38th Parallel as a dividing line for a neutral zone. General Ridgway had announced that he would consider it a victory to push the Communists north of that line, and Secretary Acheson had agreed that this would fulfill the military objective of the UN. The Soviet Government may have believed that it was possible to bludgeon us into accepting this condition in spite of previous refusals.

The Pentagon still is not convinced that the possibility of further Soviet attack being prepared under cover of armistice discussions is definitely to be ruled out. Some military men think that, as a final method of getting their way, the North Koreans may attempt to push us back to the 38th Parallel so as to make the logical boundary for a neutral zone.

The wild nature of the Soviet accusation about the bombing at Kaesong may be intended to end negotiations once and for all. If the Chinese are convinced they cannot gain anything by agreeing to the kind of truce we are willing to enter into, they may have decided simply to allow the fighting to die out without a formal conclusion.

PLOT IN HOUSING

The ranking officer at Forbes Air Base, Topeka, Kans.—Brig. Gen. David W. Hutchison—terming the Topeka rent situation "the worst I have ever seen," has pleaded with the federal government to impose rent control in that area immediately. His request, made through channels to the Department of Defense, was submitted along with more than 150 examples of rent gouging, one in which an airman is being charged $250 a month for a room and a bath.

Rent controls in Topeka were wiped out on July 13, 1949, by action of the city council and the mayor. There are two ways in which the area can be recontrolled: by action of the council or a certification of Topeka as a "critical defense-housing area." The makeup of the Topeka city council makes the former unlikely and, to date, not one certification as a critical defense-housing area has been made. Norfolk, Va., San Diego, Calif., and other vital military areas are suffering similarly.

On July 31, Congress gave the power to certify "critical defense-housing areas" to the Department of Defense and the Office of Defense Mobilization and they have in turn given it to the authority over to the Critical Areas Committee — composed of representatives from the Defense Department, Labor Department, Home and Housing Finance Administration, National Production Authority and the Federal Reserve Board. That Committee has been creating stumbling blocks to recontrol of rents rather than removing them.

The chief creator of stumbling blocks appears to be Rudolfo Correa, General Counsel of the ODM, formerly on the legal staff of the Associated Gas and Electric Corporation of New York. He is reportedly determined to give local mayors veto power over any certification —a procedure which the Congressional conferees tossed out as unworkable and almost certain to kill any recontrol plans.

Under the Defense Production Act of 1950, 40 localities were listed as Critical Defense Areas, allowing for relaxation of credit restrictions. Under the new Act, a classification of "critical defense-housing areas" was established under which the Housing Expediter could also control rents and new constructions. ODM Director Wilson was reported on July 31 as favoring immediate inclusion of the 40 localities as "critical defense-housing areas" too, but Attorney Correa, his subordinate, has other ideas.

Expectation is that Correa under pressure of the Department of Defense may relent in his demands in certain military areas, but meanwhile the Office of Rent Stabilization is helpless until the Critical Areas Committee takes some positive action.

Meanwhile other stumbling blocks to public housing have come to light. Full allocations for construction materials for public housing have not yet been approved by the Home and Housing Finance Agency for the last quarter of the last fiscal year, and there is strong belief that the program will be held up by restrictions on materials, even though it was voted by Congress.

Allotments of construction materials are under the direction of Benjamin Shulman, director of the HHFA Defense Liaison Staff and a close friend of real-estate interests. As previously stated (*NR* July 23, 1951), Shulman is known for his work in securing priorities for building the Tanforan Race Track at the end of World War II when materials were scarce for even essential construction. The fear expressed by many friends of public housing is that Shulman, by restricting allotments of building materials, especially structural steel, may further shrink the already greatly reduced public-housing program. Meanwhile, private building has yet to suffer from curtailment of allotments.

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Outside America

DE GASPERI IN TROUBLE

If Italian Premier Alcide de Gasperi goes to Washington to talk to President Truman or even if he gets only as far as Ottawa to attend—as his own Foreign Minister—the meeting of the Atlantic Council, he undoubtedly will win many friends among the Americans he meets. For he combines a personal charm, political tact and skill, and a quality of deep and serious dedication to duty to create an impression of strength, wisdom and unimpeachable honesty. General Eisenhower has already gone on record as saying that he was more impressed by de Gasperi than by any other European statesman, now in office, he has met.

If the trips actually take place—and the Italian press has been full of rumors, some of them obviously planted, about invitations from the Canadian and American Governments — one of de Gasperi's main motives will be to use his personal powers of persuasion to win converts to the idea that Italy is staunchly Atlanticist. He will admit that his country contains more active Communists than any other in Europe outside the Iron Curtain, but will argue that the number can be reduced if he is given more effective American support on the issues of Trieste, revision of the Peace Treaty, and admission to the UN.

De Gasperi talks well. He certainly will convince many Americans. But, even though the speech with which he asked the confidence of the Italian Senate in his new—seventh consecutive—government was perhaps the most eloquent and brilliant in a very long political career that goes back to the years of the old Austro-Hungarian Empire, he failed to convince many highly placed Italians—not Communists, but men as much concerned as Americans with cutting down Italian Communist strength and building up Italian democratic strength. Eighty-four Senators, two-fifths of the membership, abstained and de Gasperi's winning majority was only 20 more than the legal minimum. The abstainers included not only anti-Communist Socialists and liberals but the most important political figures of all groups outside the Premier's own Christian Democratic Party.

The explanation is that Italians know —though Americans may not—that the key to the Italian domestic political dilemma is internal rather than foreign policy, and that in this area de Gasperi's eloquent words have not been matched by effective deeds.

Nobody accuses de Gasperi of hypocrisy, corruption or any other overt wickedness. He is accused of what they call "dynamic do-nothingness," combined with a curious absent-mindedness which allows him to listen with apparent attentiveness to a man for an hour or more and then forget altogether even the fact that the man talked to him. What is worse is the accusation that the Premier is through tolerance falling into the kind of easy-going nepotism that comes from long tenure of office; that he is losing touch with the political realities which the Communists are able to exploit; and that through a desire to keep peace within his huge internally warring party, he is becoming a prisoner of the worst clerical reactionaries, hence disserving the very democracy in which he ardently believes.

The fact that the new government is made up almost wholly of members of the Christian Democratic Party, which lost one-third of its strength at the recent local elections and which no longer fully represents the real democratic forces, is bad enough. What is worse is that the Christian Democrats whom the Premier tolerates are moving toward an anti-democratic clerical state.

One of the strong men behind the scenes is Dr. Luigi Gedda, the "operator" of the Catholic Action Organization and the inspirer of the Civic Committees, who recently boasted that his machine—and not the party organization —was responsible for winning about 1,000 towns from the Communists at the local elections. Few more convinced reactionaries are in positions of political influence in any country outside Spain, Portugal and Argentina. Even Don Luigi Sturzo, the veteran Catholic political leader, has suggested doubts about the ultra-clerical trend of the present regime. But the Vatican's *Osservatore Romano* rapped Gedda's knuckles with a feather. After all, Pope Pius had received in audience Professor Cucco, a leader of the neo-Fascist MSI; and though he went to the Vatican with a group of doctors, the fact was taken as a sign of the new "reconciliation."

Another strong man is Carmine de Martino, immensely wealthy political and economic boss of Salerno, who heads the *vespisti* or reactionary wing of the *democristiani*. (The name *vespisti* comes from the phrase "buzzing like *vespe*—wasps.") This wing is gradually winning control from the *Dossettiani*, the vaguely liberal and mildly clerical followers of Deputy Dossetti, who have been described as "red fish swimming in holy water." Another man of the extreme Christian Democratic Right, Camillo Corsanego, maintains liaison with Dr. Gedda.

No one of these reactionaries shares de Gasperi's views about democracy. Nor does he theirs. But just as the Premier has precisely what it takes to win friends and influence people in the United States, these men have means of taking advantage of his tolerance and absent-mindedness. For example, one of the young men whom de Gasperi has made his proteges is Giorgio Tupini, vice-secretary of the Christian Democratic Party, who happens to be de Martino's son-in-law. Another example of personal and family links which are playing a large part in the steady swing of de Gasperi to the Right—in deed, if not in word—is the case of the Cingolanis. Senator Mario Cingolani is a stalwart of the party—on the Right; his wife, Signora Guidi-Cingolani has been named an under-secretary in the new Cabinet; a son by a previous marriage is a priest; another son is a bright young man on de Gasperi's personal staff; and a daughter is the wife of still another bright man in the Premier's personal entourage.

Salerno PERCY WINNER

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THE TRAGEDY OF THE SUPREME COURT

by Eugene Gressman

THE CONSTITUTION'S great guarantees of individual liberty are beginning to show some of the corrosive effects of the passions and fears besetting America at mid-century. Those guarantees, written in broad terminology, derive much of their substance and effectiveness from the actions of the Supreme Court. By the continuing process of interpretation and application, the general language of the Constitution is translated by the Court into reality. But the high tribunal is not constituted, at this critical point in history, to withstand the powerful currents that are undermining individual liberty. The result is that the Court is slowly reading into the Constitution anti-libertarian attitudes that threaten the very foundation of our free society.

The alarming situation on the Court is explainable primarily in terms of recent personnel changes. There is not now a majority of five or more judges who have the personal background, the judicial character or the singular devotion to the cause of human freedom that are essential to the judicial protection and growth of that freedom. Indeed, such a majority has never been consistently or assuredly present, even in the heyday of the Roosevelt Court. When the New Deal appointees were at the peak of their strength, the pages of the Court's reports were strewn with instances where the transcendent ideal of liberty commanded but paltry one to four votes. Who can forget the Court's knuckling under to the crass attitude that military necessity justified the Nazi-like deprivation of constitutional rights suffered by Japanese-Americans during World War II?

Yet, to its everlasting glory, the Supreme Court of the Roosevelt era did have a militant and substantial minority that was frequently able to breathe life into the Bill of Rights by winning the one or two additional votes needed to constitute a majority. Never in the Court's long history has there been such a strong and effective liberal element as that composed of Justices Black, Murphy, Rutledge and Douglas. Time and again it was able to corral sufficient votes to establish valuable precedents in the never-ending fight for freedom. Some of these, to be sure, were not as broad as this liberal bloc desired. Concessions and compromises frequently had to be made in order to keep a majority intact. And sometimes the liberal judges themselves were hopelessly split. But the result of their efforts was a distinct, substantial contribution to the fulfillment of the constitutional ideals of liberty.

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The fatal blow fell in the summer of 1949 with the deaths of Murphy and Rutledge. That twin disaster cut the very heart out of the enlightened attempts to discharge the constitutional promises of freedom. The liberal wing of the Court was left devastated, shorn of its two most impassioned and courageous voices. Gone were two vital votes. No longer was it enough to convince but one of the more conservative brethren to help effectuate a constitutional guarantee. Now it became essential to convince no less than three. The well-nigh impossible task imposed by this disaster has been demonstrated during the past two years.

Justices Black and Douglas today stand alone, discouraged and embittered. They futilely watch as time and Harry S. Truman bring the Court down to its old-time level of mediocrity. Where once Frank Murphy and Wiley Rutledge invoked the wrath of constitutional condemnation on governmental efforts to punish the exercise of guaranteed freedoms, Tom Clark and Sherman Minton now sit in acquiescent silence. On occasion the inner fire of libertarian conviction is kindled in Frankfurter and Jackson, and they join Black and Douglas to produce a strong minority opinion or perhaps a tie-vote when only eight justices participate. But the sporadic alliance of these two groups, so different in their judicial philosophies and so personally distrustful of each other, is not a sound or an enduring one. It has none of the cohesiveness or effectiveness which marked the Black-Murphy-Rutledge-Douglas quartet.

For the most part, the present Court is populated by uninspired remnants of the Roosevelt period and dreary specimens of the Truman regime. They lack the fire and the spirit, the unquenchable faith in the freedom and supremacy of the individual, which are the essential ingredients of any real appreciation of our Bill of Rights. The Court's function is generally conceived by them in traditional, ritualistic terms. Save in a few notable instances the Court to them is not a bold instrument of constitutional policy, at least as respects civil liberties. It is merely a static vehicle for perpetuating respectable patterns of judicial thought and precedent. Great stress is laid on the technicalities of form and procedure. And a scraping genuflection is made in the direction of the wishes of legislators respecting the invasion of civil rights. The consequence is that the Court is steadily becoming a less effectual and important bulwark against the modern onslaught on freedom.

Retreat via Certiorari. There are many revealing signs

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of this judicial lowering of the horizons of the Bill of Rights. Of prime apparentness is the discreet exercise of the Court's certiorari jurisdiction, a potent reviewing power grounded on unlimited discretion. The great majority of attempts to obtain Supreme Court review of lower-court decisions must run the hazardous gamut of this discretionary power. If the attempt fails, as about 85 percent of the attempts do, the lower-court decision is left in effect. Justices may vote to deny review for any reason, judicial or otherwise, that they see fit. By tradition the favorable vote of four justices is necessary before a case becomes entitled to full-scale argument and consideration. The Black - Murphy - Rutledge - Douglas combination was thus able to use its four votes to force the Court to come to grips with many civil-rights problems that would otherwise have been denied review. Having made this preliminary and essential maneuver, the foursome was then in position to give voice, at least through a dissenting opinion, to the constitutional rights at stake. And when a favorable vote or two was added subsequent to the oral argument before the Court, this group was able to mold a majority opinion. Not infrequently that additional vote would come from a justice who was seemingly adamant in his original objection to accepting the case for review.

Now, of course, the strength of the liberal bloc has been halved. No longer does it command the four votes necessary to compel the Court to take a case falling within its certiorari jurisdiction. The balance of power at the initial, crucial point in the exercise of this great power has shifted far to the Right. Only those cases are now taken that seem palatable to the more conservative elements on the Court. This shift has plainly reflected itself during the past two terms in the frequent instances where review of civil-rights cases by certiorari has been denied with notations of dissent by Black and Douglas.

Such an increased number of denials, however, does not represent any general shirking of duties by the Court as some commentators have recently claimed. Due to such factors as the natural decline of cases arising out of wartime laws and the severe limitations placed on judicial review of administrative actions, the number of cases filed in the Court during the past few years has dropped somewhat. The number of instances where review by certiorari is granted has thus tended to be numerically, though not proportionately, less. But the fluctuation is so small and so variable as to warrant no sweeping conclusions as to the lowered quantity of the Court's output.

Nevertheless there has been a noticeable number of denials of review in instances where review would doubtless have been granted had Murphy and Rutledge been alive. This summary rejection of constitutional claims is most important in its substantive aspects, mirroring as it does the Court's decreased regard for the supremacy of the rights of the individual. But, in one sense, this situation is not an unmixed evil. Now that Murphy and Rutledge are gone, it is far better that a case be denied review than that it be accepted and result in a disastrous opinion by the Court. Tragic though the summary denial of the individual claim may be, it does not carry the weight as precedent for the future that a full-fledged review and opinion may carry.

Freedom Now Inferior. Once a case has been accepted for review, however, the tendency now is to dilute the strong libertarian and humanitarian strains infused into the Constitution over the past decade or two. There is no longer much respect for the views of Holmes, Brandeis or Stone, much less the views of Murphy and Rutledge. While there is a growing fascination with precedents, it is on a selective basis as regards civil liberties. Many principles, such as the invalidity of racial discrimination in the selection of jury panels, seem secure in the foreseeable future. But the present Court majority will not hesitate to overrule or deflate a principle that it believes gives too much supremacy to individual rights. An instance in point was the abrupt overruling in 1950 of a 1948 precedent holding that, whenever circumstances permitted, a search warrant should be obtained by federal officers before seizing property. And in a recent series of three opinions the Court weakened the principles protecting one's right to speak freely in public places by holding that, while previous restraints cannot be imposed on an unpopular speaker, the police have the discretion to silence him as soon as bellicose hostility to his views develops.

Strong lip service is still given, of course, to the cause of human freedom. Thus the Court majority is always willing to pay homage to the constitutional nobility of the right of free speech. But there inevitably follows an emphasis on the equally obvious proposition that the right to speak freely is not absolute. As Chief Justice Vinson said recently for the Court, "the societal value of speech must, on occasion, be subordinated to other values and considerations." There can be no valid quarrel with these generalities. But there can be a valid concern with their practical application, especially when the result is an increasing subordination of individual rights to these "other values and considerations."

It is now evident that the Court is rejecting the idea that the rights guaranteed by the First Amendment—the basic rights of free speech, free assembly, free worship and free press—are entitled to a preferred place in our scheme of ordered liberty. During the Murphy-Rutledge period, the Court recognized and applied the basic premise that the foundation of our constitutional way of life

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is the supremacy of these First Amendment rights. Due weight was given to the fact that the judgment as to where to draw the line between the conflicting interests of the individual and of the state was one for the legislative body in the first instance. "But," as Justice Rutledge once wrote for the Court, "in our system where the line can constitutionally be placed presents a question this Court cannot escape answering independently, whatever the legislative judgment, in the light of our constitutional tradition." This was not an attitude of disrespect for the democratic processes or the legislative will. It was a realistic appreciation of the fact that the First Amendment, unlike the Interstate Commerce Clause or the Fifth Amendment's Due Process Clause, specifies certain rights which are at the very base of a democratic system of government. It was felt that the Court, no less than the legislature and the executive, had the high duty to give effect to those basic rights whenever appropriate. And the concreteness of the guaranteed rights made it impossible for the Court to recognize the same degree of legislative experimentation as was possible in the economic and social realms, where constitutional rights were not so specifically spelled out.

Legislation which curbed the First Amendment rights was accordingly shorn of its usual presumption of validity in the eyes of the liberal Court majorities of yesteryear. The burden was on the government to justify the restriction. And to meet that burden the government had to satisfy the clear-and-present danger test. Any attempt to restrict the liberties guaranteed by the First Amendment thus could be justified only by showing that some extremely serious evil was highly imminent, constituting a clear-and-present danger, from the unfettered exercise of those liberties. All of this is now being subtly denied by the present majority of the Court.

In place of the supremacy of the First Amendment rights, the Court is beginning to substitute the Frankfurterian theory of the supremacy of the legislative will. The proposition that the elected representatives of the people should assume the sole responsibility of determining when individual rights must be invaded is a seductively attractive one. It is undeniable that freedom is not absolute, that it is subject to many contrary considerations of public policy and security. Weighing the competing factors and choosing the appropriate ones are not easy tasks. And the legislative forum, especially since it directly represents the public, is peculiarly suited to the airing and resolution of these conflicts. From these considerations the conclusion is easily reached that the judiciary must take a minor role in the effectuation of the Bill of Rights. The Court, it is said, can legitimately do no more than determine if the legislative judgment is a permissible one and if there is a reasonable relationship between the end sought and the means used. Otherwise the Court is injecting its views into what is essentially a legislative picture. The pre-1937 Court did just that with respect to economic and social matters, to the detriment of the nation.

Oppression by Authority. But the consequences that can follow from this reversion to judicial impotence in matters involving civil rights are both numerous and evil. If carried through logically and completely, it can mean the reversal of nearly all the important First Amendment principles established after so long a struggle by the liberal majorities during the past dozen years. It can mean the removal of most if not all substantial barriers in the way of foreclosing First Amendment rights in the interests of national or local security. It can mean that the forces of intolerance and hate can oppress the individual as long as some rational consideration can be concocted and written into a statute. And it can mean the slow death of liberty as we have known it.

Already this process of judicial debilitation of the First Amendment is well under way. Having discarded any belief in the supremacy or the preferred status of the rights therein specified, the Court has begun to give legislative judgments unprecedented preference. Thus it has acquiesced in the Smith Act's suppression of free speech and thought because Congress said it feared that advocacy of Communist doctrine endangers the safety of the republic. It has bowed to an admitted discouragement of "the lawful exercise of political freedoms" in the anti-Communist affidavit provision of the Taft-Hartley Act because Congress said it was fearful of political strikes of Communist inspiration.

Nor is this judicial retreat limited to matters of legislative judgment. The Court is also showing great obeisance to the wishes of the executive and administrative branches as to the need for suppressing civil rights. Recently it affirmed by an equally divided but nonetheless effective vote the President's program to purge governmental employees whose loyalty has been found questionable after a hearing that admittedly violates the most basic canons of fairness. Such an utter disregard of the decencies of civilized justice was permitted on the executive determination that the interests of national security so dictated. And if the Court's recent decisions allowing state courts to restrict the right to picket on grounds of judicially created policy are any criteria, we may soon expect the day when state judges will be allowed to restrict the right to speak freely merely because they feel that some otherwise undefined interest of the state is endangered.

These decisions, and others like them, are all being rendered by the Court with a seemingly great feeling for

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the conflicting interests involved. But the results are distressingly uniform. The individual's rights are consistently being held inferior to those of collective society. How could it be otherwise when no supremacy is attached to the rights of the iconoclastic, the oppressed or the unpopular? Who would be so bold as to assert that the right to speak in an unorthodox manner is greater than the right of the state to protect itself against the advocates of forceful revolution? And if Congress or the state legislature has determined that the public interest is endangered by the exercise of the individual's rights, what ivory-towered judge can rightfully protest that determination? In Justice Frankfurter's recent words:

> Congress has determined that the danger created by advocacy of overthrow justifies the ensuing restriction on freedom of speech. The determination was made after due deliberation. . . . Can we then say that the judgment Congress exercised was denied it by the Constitution? Can we establish a constitutional doctrine which forbids the elected representatives of the people to make this choice? Can we hold that the First Amendment deprives Congress of what it deemed necessary for the government's protection?

To these questions Holmes might well have responded that "if there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate." But this response is being drowned out by the loud answer of the present Court majority. That answer is that the government is supreme; the individual is inferior.

Freedom's Great Peril. No longer, then, is it necessary for the government to prove the high imminence of a grave danger flowing from a free exercise of the individual's rights. The legislative or executive branch need only say that the security of the country is in real peril, and the Court will graciously bless the curb on freedom with its new dogma that the government can act now without waiting until the *putsch* is about to be executed.

The floodgates are thus opening for all the prejudices and intolerances which find their way into legislative and executive actions. Such ugly factors are easily clothed in the pontifical verbiage of statutes and executive orders. And they can hide under impressive appeals to the security of the nation or some other equally legitimate interest of the public. The individual is lost under the impossible burden of proving the complete lack of reasonableness in these sophisticated denials of freedom. These are the conditions that could lead to the draining of the last full measure of liberty in America.

Moreover, by bowing so low before the legislative will, the Court is abdicating the great influence which it has exerted over the civil-rights atmosphere of the nation. The victims of oppression and the believers in freedom have always looked to the Court to champion and effectuate the noble ideals of the Bill of Rights. Congress and state legislatures have often taken their cue from pertinent Court decisions in framing and considering new legislation touching on individual freedom. The legislative will, in other words, has frequently been dependent in varying degrees upon the Court's own interpretation of the permissible extent to which individual rights may be invaded. But by making the legislative will so supreme, the Court is destroying this authoritative and respected standard for measuring the Bill of Rights. It is removing the only effective barrier in the way of popular and legislative lawlessness. And it is encouraging the most intolerant elements to seize control of the legislative will, secure in the knowledge that they can achieve legalization of their evil aims.

The priceless heritage of our society has always been that the scales of freedom have been tipped in favor of the individual. But now the Court is tipping them in the opposite direction, in the direction of authoritarian oppression from which history teaches there is no return. Therein lies the great tragedy of today's Court.

The tragedy is deepened by the fact that one of the gravest problems now facing mankind is the preservation of the rights and the dignity of the individual amid the ever-growing complexities of modern society. At a time when every resource, including the judicial, should be brought to bear on this problem, the Supreme Court can offer only the advice that all concepts of liberty are relative. There are no constitutional absolutes as respects the individual. Hence he must be left to the lions of fear and hysteria in the legislative arena.

What the Court needs most is faith in itself; faith that it too can help preserve the freedoms which are the hallmark of civilization. It must dare to doubt what a legislative or elective majority may most passionately assert as to the need for suppression of individual freedom. It must show the uncommon courage and independence which it has demonstrated in its recent decisions undercutting the legal restrictions heretofore binding the Negro to segregated surroundings and unequal educational facilities. There alone has it been extending the frontiers of constitutional liberty, ignoring outmoded precedents and antediluvian patterns of thought. But unless the Court soon recaptures the true spirit of the Bill of Rights in all its brilliance, individual liberty may be irretrievably lost in the seamless web of blind fear now gripping the nation. And the Court will have lost its opportunity to achieve the greatness which rightfully belongs to it.

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MAO TSE-TUNG: A REMINISCENCE

by M. N. Roy

I FIRST MET Mao Tse-tung in the hectic days of the summer of 1927. He was not yet counted among the top leaders of the Communist Party. He had never been to Moscow and did not care to take the trouble of coming to see me when, as the special representative of the Communist International, I spent several weeks on the trek from Canton to Changsha, the capital of the "Rice Bowl" province of Hunan, where Mao headed a powerful peasant movement.

The Fifth Congress of the Communist Party of China, held at Hankow in May, 1927, was to make a fateful decision concerning the future of its relation with the Kuomintang. By then the Kuomintang was split into two warring factions. Relations with the Right wing, headed by Chiang Kai-shek, had been settled. Chiang had begun his fierce offensive against the Communists. The issue was the relation with the so-called Left Kuomintang and its government at Hankow.

The Kuomintang had promised agrarian reform. On the basis of that promise, the Communists had mobilized the peasant masses under their banner. And since the whole of South China had been brought under Nationalist control by the end of 1926, Communists active in the countryside were demanding some measure of the agrarian reform they had promised to the peasantry.

Yet the Left Kuomintang Government resisted any agrarian reform on the plea that since the national revolution was not yet complete, social revolution must wait. In the provinces occupied by Chiang Kai-shek's army, violent suppression of the peasant movement had begun. The Hankow Government was also moving in that direction. Should the Communists still support it, or should they lead the agrarian revolution at the risk of breaking up the united front with the Kuomintang? That was the question we faced when the Executive Committee met on the eve of the Party Congress.

Our answers were phrased in the form of resolutions. As representative of the Communist International, and obedient to its latest thesis, I sponsored the resolution that the Communist Party—the party of the proletariat—must lead the agrarian revolution. The leader of the Party at that time, Chen Tu-hsiu, backed up by the Russian adviser, Borodin, opposed the resolution. Their thesis was that the revolution must be broadened before it was deepened; the Nationalist Army must reach Peking; in the meantime, they argued, peace must be maintained at all cost with the Kuomintang in the territories which it occupied. To support the demand of the peasantry, they insisted, meant precipitating civil war because the land-owning class would oppose reform, and the officers of the Nationalist Army came from that class. The majority of the Chinese Communist leaders held this view, which was contrary to the instructions of the International.

Consequently, I threatened to place the resolution before the Party Congress, even if the leaders rejected it. Reluctantly the Executive Committee gave in.

As a member of the committee, and a leader of the peasant movement, Mao's views on this resolution were extremely important, yet he did not attend this meeting or even the Party Congress which was to settle the vital but controversial issue. He was, at that time, Chairman of the All-China Federation of Peasant Unions which was affiliated with the Kuomintang. As such, Mao wrote a letter asking the delegates to the Congress to throw out the resolution sponsored by myself as the representative of the Communist International. Chen Tu-hsiu personally opposed me. Borodin backed Chen from behind the scenes, and he held the purse strings. Yet, by a big majority, the Congress endorsed my resolution. Most of the delegates came from the countryside; they knew the mood of the peasantry.

Immediately after the Communist Party Congress, civil war broke out. In the key province of Hunan, the peasants started taking possession of the land. The Nationalist Army rushed to the aid of the landlords. On the demand of the provincial authorities, the Hankow Government directed the Communist Minister of Agriculture, Tan Ping-san, to go to Hunan and check the peasant movement. That was a bitter pill; the members of the Communist Executive were torn in their allegiance.

At that juncture, Mao came to Hankow, where I met him for the first time. It was after midnight. We were in the midst of a heated discussion in the Politburo of the Communist Party. Borodin himself was present, sitting next to me. A tall man with a swarthy broad face and longish straight hair thrown back on a high forehead walked in calmly but haughtily. "Mao Tse-tung," Borodin whispered. He took no notice of me or even of the all-powerful Borodin. We two foreigners looked at each other. Borodin remarked in an undertone: "A hard nut to crack; typically Chinese."

Manvendra Nath Roy was the first Indian Communist leader. He headed the Eastern section of the Communist International from 1920-29 and as such was sent to China to apply Comintern policy. He broke with Stalin in 1930. Today as head of the Radical Humanist Movement and contributor to leading newspapers, he is famous throughout India as a writer and philosopher.

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Mao had not taken a seat on entering. He exchanged a few whispered words with Chen Tu-hsiu and then began his speech.

Revolutions are known to produce great orators. I had been struck by their absence in China. Even the most popular speakers spoke in shrill, jerky voices. Was it due to the language, or the culture? Oratory, of the hypnotic variety, is extravagance of language, while, in contrast, classical Chinese calligraphy paints syllables. Did the traditional manner of writing suppress great oratory? I knew as Mao began that the Chinese revolution until 1927 had not yet produced its Danton or its Trotzky.

He had a rather pleasant voice and was not given to gesticulation, a very popular platform mannerism in revolutionary China. Neither Borodin nor myself understood Chinese. But it was evident that the speech was addressed to me. Chen Tu-hsiu and his supporters were visibly elated. From a running translation given to us, I could gather that the president of the Peasants' Federation was endorsing Chen's thesis that, for the sake of maintaining the united front with the Nationalists, the Communists should restrain the peasant revolt. "How can foreigners have any idea of the Chinese reality?" he asked. "I came straight from Hunan. Irresponsible members of the Communist Party are misleading the peasantry. We must not develop social revolution in the villages and weaken the rear of the Nationalist Army. The Party Congress has made a great mistake. Its resolution must remain in abeyance."

That was the burden of his speech which took two hours to deliver. When he finished it was nearing dawn. I suggested that Mao should meet me later in the morning to discuss the matter further. No, he answered, he could not live comfortably in Hankow when the peasant masses were suffering; he must return to Hunan immediately. He demanded a prompt decision.

Mao left as abruptly as he had come. He was a man, evidently, who knew what he wanted and was not to be deflected, either by reason or by authority. It was plain that he was born to be a dictator. His appearance reminded me of the legendary figure of the Taiping Wang —the Emperor of the insurgent peasantry. I believe that Mao saw himself re-enacting that legendary role, and built his personality on that model. For 20 years, he led a movement which bore much similarity to the German Peasant Revolt of the sixteenth century, and also with the Taiping Rebellion which took place in China 300 years later. His prototype in European history was von Hutten, the feudal nobleman who believed himself to be the natural leader of the peasantry and was carried away by his fascination for adventure.

It is a curious accident of history that the first "Soviet Republic" which Mao founded in 1930 with the collaboration of Chu Teh, who commanded a deserters' regiment, was situated in the mountainous region where the Taiping movement originated. The epic march from the South to the remote Northwestern corner of the vast country must have been "like flowing water and floating clouds," as legend describes the movement of insurgent peasantry and the Taiping Rebellion.

From then on until he finally established himself on the Mongolian border as Taiping Wang II, Mao acted in defiance of the resolutions and directions of the Communist Party headquarters at Shanghai. From 1929 to 1934, the Communist Party of China pursued a pure proletarian policy. But in the mountainous fastness of his original "Soviet Republic," Mao refused to act according to the thesis that the agrarian revolution must be brought under proletarian hegemony. Only when his epic march brought him within the reach and under the patronage of the Russians did Mao begin to talk like a Communist. Since then, he may have taken some lessons in Marxism. He has certainly learned to play the dictator, and in that role also the Taiping Wang, I believe, is his ideal. Mao is not a dreamer but a practical politician and as such he is typically Chinese. With such a background, tradition, character and personality, Mao might, under other circumstances, have been predisposed once again to place "Chinese reality" above obedience to Moscow's orders.

But it is too late now. Mao has sold his people to Moscow and given up his independence. Though the much-advertised figurehead, he is no longer the supreme dictator. If he is not to be compared with Lenin, comparison with Stalin will be even less valid. He does not control the party machinery; and Chou En-lai, a much more intelligent man, is the head of the government. He was also the Party boss until Liu Shao-chi replaced him as the General Secretary. The latter is Moscow's man of confidence. His fanatical devotion to Communism and unflagging faith in its inevitable triumph are shared by the four redoubtable field commanders who are in control of the armed forces.

The legend woven around the old-guard triumvirate—Mao, Chou and Chu—is being fully exploited, and kept as a legend, by the younger men who would never compromise their Communist faith and loyalty to the "Socialist Fatherland" for any particular Chinese consideration. They believe in a Communist One World, which cannot be divided into national States with conflicting or antagonistic interests. Should the old guard ever try to make Chinese wisdom prevail over Communist passion, they will be purged. Nothing short of a crushing military defeat would disintegrate the Communist power structure, and that for the moment seems a forlorn hope.

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THE ENGINEERS: A MYTH DEFLATED

by A. J. Heidenheimer

IN THE SPRING of 1949, when the Hoover Commission was preparing its polite criticism of the Army Engineers' 50 years' mismanagement of American rivers, it found its report under violent attack from two of its own members, Sen. John McClellan (D, Ark.) and former Rep. Carter Manasco (D, Ala.). The two had been named to the commission as Congressional representatives, but they were also officers of the Rivers and Harbors Congress, the main civilian lobby battling for bigger appropriations for the Corps of Engineers.

McClellan and Manasco wrote a strong minority criticism of the commission's proposal to unify the Engineers' civil functions with the Interior Department's Bureau of Reclamation. How could the commission think of taking away the work of "one of the most efficient services of the government"? They pointed out that the commission's majority report had itself cited such instances as a project which the Reclamation Bureau had estimated would cost $44 million and finally cost $131.8 million. Would the commission or Congress allow such an agency to replace the Corps of Engineers, "which has performed with such outstanding efficiency that Congress has continuously increased its work and committed to it ever greater responsibilities"?

Until last month, no really hard look had ever been taken to see just how "efficient" the Army Engineers are. The Hoover Commission had found its cumbrous administrative organization inexcusable, but that had not impressed the legislators for whom the Engineers provide lush amounts of "pork." As an "agent of Congress" only slightly responsible to executive control, the Army Engineers had been getting ever-multiplying grants for years. Even President Roosevelt was unable to stop their waste. When Roosevelt asked Secretary of War Stimson to eliminate certain obviously uneconomical projects, the Engineers submitted the projects to Congress anyway, and obtained passage of most of them.

Recently, however, the House Appropriations Committee has been growing angry at the way costs of the Engineers' projects have been soaring. The committee had before it projects originally authorized for a cost of $2.6 billion which according to "revised estimates" would cost at least $6 billion. How much of this rise, the committee wanted to know, had been due to rising material and wage costs and how much to inefficiency?

Last month it announced the answer. After a year's study, the Appropriations Committee had "established beyond dispute" that 30.6 percent of the total-cost increase was attributable to insufficient engineering planning and estimating. "A private owner could not tolerate such lack of engineering reliability without inviting bankruptcy. The conclusion is inescapable that the Corps' planning for these projects, before construction was started, was inadequate, and that tax-payers have been paying the cost ever since, year by year."

The committee's investigation substantiated a charge long made by independent critics—that both the Corps of Engineers and the Reclamation Bureau have consistently underestimated costs of projects in order to get their projects approved. The Engineers proposed the Oahe project at a cost of $72 million; it is now scheduled to cost $246 million. At their Garrison project, "inadequacies, modifications and unforeseen conditions" raised the cost 60 percent above the original estimate.

The House committee, in effect, called the Chief of Engineers, Maj. Gen. Lewis Pick, a liar, when it disproved a statement he made to it in April that the Corps completes definite project reports before asking Con-

(Continued on page 23)

Maybe we'd better start thinking about a dam here

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HAROLD L. ICKES: *Go East, Young Indian!*

YEARS AGO Horace Greeley, the noted New York editor, gave a bit of advice. It was, "Go West, young man." Whether on his advice or not, young men have continued to go by the thousands. They have farmed millions of acres of land. They have constructed great dams and turbines that produce quantities of cheap power and provide water for rich but thirsty soil. They have built factories and cities in which their industrial skills have enriched the economy of the West. They hewed their way through valuable timberlands. They discovered and developed minerals, particularly petroleum. They did not even refrain from trespassing upon, and taking unto themselves, immense areas of land for their flocks and herds, and other property which had belonged to the American Indians from time immemorial.

With the West approaching the saturation point in population, it might be well for young and ambitious Indians, especially those who are so unfortunate as to live in Sen. Patrick McCarran's State of Nevada, to go East. These Indians are finding it difficult to exist because of the ruthless inhumanity of McCarran, to whom the Bureau of Indian Affairs seems to have surrendered unconditionally. I do not advise Indians to move to the crowded areas of the East or even to try to establish themselves on the rich farm lands of the Middle West. If I were a Nevada Indian, especially if I were a member of the Paiute Tribe, I would put the Atlantic Ocean between myself and "Simon Legree" McCarran. I would go to Spain. I would become a Falangist and do as humble obeisances before Dictator Franco as the creaky joints of Pat McCarran have ever permitted him to do. As a Spanish Fascist, I would not have to depend upon myself for a living. Señor Pat, who serves the Fascist Dictator, Franco, with an obsequiousness equal to that of Franco's Ambassador "Lackeyrica," would see to it that I would have more to eat as a citizen of Spain than I had had as a citizen of Nevada.

McCarran is ruthless in his cold-blooded determination to deprive the Paiute Indians of the best of their lands that have survived former raids. He wants these lands for white trespassers. He would also deny these Indians the use of irrigation water from the Truckee River, which the Supreme Court has said belongs to them. At the beginning of every session of Congress, he hurries to introduce his perennial resolution to make the Paiutes give up their lands on his arbitrary terms, despite the fact that they do not now have enough tillable land to make sure of their own living. He blocks every effort to get water on these lands. During this session, this most cruel and relentless enemy that the American Indians have ever had has renewed his efforts further to despoil the Paiute Indians by hook or by crook.

Some time ago, Señor Don McCarran y Shea succeeded in getting into a money bill an unconstitutional rider forbidding the use of Indian Bureau money for the purchase of land for the use of the Indians of Nevada. In the latest appropriation bill for Interior he was able to sneak in a prohibition against the Nevada tribes using their own money, even if they had some, to buy land. He has gone so far as to use his great influence with the Indian Bureau to deny the Indians of his state the right to employ lawyers of their own choosing to defend them from his rapacities.

Indian Commissioner Dillon S. Myer is another federal official who has run up the white flag of surrender to the American stooge of Franco, the Fascist. Until about a year ago the Paiute Indians had in E. R. Fryer an agent who was intent upon helping them to hold on to their land and to obtain irrigation water. McCarran demanded that Commissioner Myer remove Fryer. Myer promptly issued an order to transfer Fryer and then ran out of Washington. It was necessary to appeal to the White House to hold up Myer's order. When questioned about the incident, Commissioner Myer admitted that McCarran had asked for the transfer of Fryer, while denying that the removal was the result of McCarran's request; it was merely coincidental—or so Myer would have people believe—that his "quickie" order of transfer followed McCarran's demand. He did not explain why a subordinate promptly called McCarran's office to apologize and to explain that the removal order had been stopped, regrettably, by the White House.

The facts that have been recited suggest two questions: Why does the US Senate, which contains so many decent and humane-minded men, permit the rapacious McCarran to be so cruel to the Indians of his state? Why does the Secretary of the Interior, who is the superior of Dillon S. Myer, retain and support as his Commissioner of Indian Affairs a man as indifferent to the rights of the Indians as this country has ever seen? After all, Secretary Chapman has the final authority, and it will be interesting to see whether he will require Myer to do his legal and moral duty, which is to protect the property and defend the rights of the Indians even against Senator McCarran.

HAROLD L. ICKES

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BOOKS IN REVIEW

LETTERS FROM THE BROTHERS OF KITTY HAWK

by James R. Newman

MIRACLE AT KITTY HAWK: THE LETTERS OF WILBUR AND ORVILLE WRIGHT. Edited by Fred C. Kelly (Farrar, Straus & Young; $6).

At 10:35 A. M. Thursday, December 17, 1903, on the wind-swept Kitty Hawk Sand peninsula, east of Albemarle Sound in North Carolina, Orville Wright, dressed as always in white starched collar and necktie and lying flat on his stomach on the lower wing of his beautiful home-made flying machine, guided it from the rail on which it had been traveling—and along which Wilbur had been running, holding the wing to give it balance—ten feet into the air; and then, struggling with wing elevators, motor and rudder, he flew on bumpily into a stiff head wind until "a sudden dart when out about one hundred feet from the end of the track ended the flight." "Time about 12 seconds (not known exactly as watch was not promptly stopped). The flight lever for throwing off the engine was broken, and the skid under the rudder cracked." The quotations are taken from Orville's diary.

Apart from all else, the Wrights were obviously brilliant repair men, for three more flights were made that day. Two of these were by Wilbur who, having won the toss for the last unsuccessful trial on the 14th, ceded the first attempt on the 17th to his younger brother. Wilbur flew 859 feet in 59 seconds ("Fifty-nine seconds, hey? If it had been fifty-nine minutes then it might have been a news item," said the eminent telegraph editor of the Dayton *Journal*) at an average speed, against a 21-mile wind, of 31 miles. But this in a sense was anti-climax; history had tapped Orville. His was the first flight "in which a machine carrying a man had raised itself by its own power into the air in full flight, had sailed forward without reduction of speed, and had finally landed at a point as high as that from which it started."

From the 10,000 letters by the Wrights on deposit in the Manuscript Division of the Library of Congress, Fred C. Kelly, their official biographer, has selected about 600. Together with useful annotations, some diary excerpts and a few photographs (one wishes there had been many more), these make a wonderful and fascinating book. It begins with a post card written by Orville, aged nine: "Dear Father—I got your letter today. My teacher said I was a good boy today. We have 45 in our room. The other day I took a machine can filled with water then I put it on the stove, I waited a little while and the water came squirting out of the top about a foot. The old cat is dead." It closes with a letter by Orville, in 1946, to an inventor who sought advice on how to awaken the notice of the War or Navy Department. "I regret very much that I am not able to give advice that will be of value to you. After 40 years' acquaintance with the ways of our departments of National Defense I do not know any more about how to get them to take an interest in or to adopt valuable inventions than you do. . . . "

The great majority of the letters are by Wilbur. He was a sobersides; Orville livelier, a practical joker. When Orville cut up excessively, which happened now and again, Wilbur alone could call him to order. From Wilbur's letters one learns of the devotion of the brothers, how graceful and fertile was their collaboration. They were distinct in personality but between them was a single object, a single stubbornness, a single sureness, a single genius. It is impossible, I think, to discover their separate contributions to the flying machine. For that matter, it is not easy to define precisely what wholly original contribution they made to power flight. The point has vexed the courts (which always gave the Wrights full marks without ever fully precipitating the truth), patent lawyers, financiers; also the greedy and envious. It continues to vex historians and students of technology. The question of originality embittered the Wrights. It broke their close friendship with Octave Chanute, to whose ideas, support and encouragement they owed so much. It emphasized their appetite for and pursuit of money, since financial success would—apart from its more obvious advantages, which they never undervalued—prove the priority of their invention. They shared foibles as well as virtues.

The Wrights were astonishingly adept in business matters, in dealing with seasoned domestic brigands and international munitions salesmen, in accommodating themselves to fame and flattery. They were shrewd and had the patience of well-defined ends. They had imagination and curiosity, but these they turned to use and were not distracted by them. Wilbur recorded his impressions of the pictures in the Louvre not vulgarly—with honesty and a fresh eye, in fact—but as he might have recorded anemometer readings or piston slap. Like Nobel, who made dynamite and dreamed of eternal peace, Wilbur pretended his flying machine, which the War Office of every major power was breaking its neck to procure, would lessen the chance of war. They stood, the Wrights, at a confluence of time. They were born into a golden, peaceful period; a small prosperous town in Ohio; a comfortable frame house; a devoted family: their father, a Bishop of the United Brethren Church and a tolerant, kindly, free-thinking man who never earned more than $900 a year; their mother, a woman of gifts who died early, a German carriage maker's daughter ("Mother could mend anything"); Carrie, the "helper" who came for a "trial" and

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stayed for 50 years; their sister Kate, who, like them, never married and was their confidante. They helped to bring this sort of life to an end by an invention that has knit the world together so that men may quarrel more efficiently.

What I find most remarkable in the letters is the description of preparations for the first flight. The Wrights had an uncanny sense of what was essential. Their machine flew not only because it had the necessary parts but because it had no unnecessary parts. They borrowed from theory what was valuable; where it was deficient they advanced it. Finding the literature almost useless for their purposes, they unraveled for themselves the intricate problem of making screw propellers of the proper pitch, diameter and area. They built a wind tunnel out of an old starch box; followed it with a tunnel improved by the facts learned from the first; and designed sound wing structures with the knowledge gained from both. They constructed an engine of their own design, a marvel of lightness (150 lbs.) and efficiency (13 h.p.) and mechanical elegance, but they were not too proud to use "Arnstein's hard cement" to keep the nuts of the drive chain from coming loose. They sewed, sawed, welded, improvised, rebuilt; they learned something from every blunder, refused to be discouraged by crashes, bruises, breakdowns. They took no unnecessary chances but accepted such risks as promised to help their work. They labored methodically, refused to be hurried, but advanced toward their goal at a rate without precedent in the history of technology; they had not the slightest doubt, once they had mastered the theoretical problems to their own satisfaction, that they would fly. ("There is now no question of final success. . . . " Wilbur to his family, December 24, 1903, just after a crack-up on one of their trials.) On the big day, a bystander remarked to one of the Kill Devil Life-Saving Station crew that the piece of machinery he had just seen lift itself from the ground and fly—a thing as impossible obviously as perpetual motion—was only a "common-looking chicken." Orville described it differently: "A wonderful fowl."

BRUTAL TRINITY

THE ORIGINS OF TOTALITARIANISM, by Hannah Arendt (Harcourt, Brace; $6.75).

THIS BOOK is concerned less with the origins of totalitarianism than with the nature and sources of evil. Hannah Arendt believes that anti-Semitism, imperialism and totalitarianism constitute the brutal and unholy trinity of our time; that at the root of all three is the rootlessness and credulity of the mob; and that escape from the absolute evil of total domination—"absolute because it can no longer be deduced from humanly comprehensible motives"—can be guaranteed only through the recognition of a new political principle: the right of man never to be excluded from the rights granted by his community.

Now it is one thing to stand against sin; it is quite another to define, analyze and obliterate it. Anti-Semitism is indeed evil, but whether it is as great an evil as the treatment of African Negroes (whom Dr. Arendt labels "savages") is doubtful. Dr. Arendt is obsessed with the horror of anti-Semitism because, when linked with imperialism, it appears to her as the sufficient explanation of the origins of totalitarianism. But the heralds of the totalitarian Apocalypse have more often been force, fear, hunger and deception. And just as anti-Semitism and imperialism have coexisted without a totalitarian accompaniment—as in the United States, France and Britain—so totalitarianism has come into being in several states for reasons that had little to do with either cause—witness Lenin's Russia and the Puritan theocracies of Geneva and Massachusetts Bay. To generalize from the German experience is to forget that totalitarian *ideologies* can be traced back at least to Plato.

In her discussion of imperialism Dr. Arendt is at her best. She argues that its essence is expansion, with the export of investments subordinated to the export of power. Those who dwell upon an economic interpretation of imperialism forget not only that profits were repeatedly sacrificed for power but that money could beget money only because power was there to appropriate wealth. As a result power became under imperialism the crucial (Dr. Arendt unnecessarily says "only") content of politics, and expansion its fundamental aim. Indeed, she contends that imperialism is properly conceived not as the last stage of capitalism but as the first stage in the political emancipation and rule of the bourgeoisie; for in the era of imperialism businessmen abandoned their idea of the state as policeman and translated their private practices into rules and principles for the conduct of public affairs.

Dr. Arendt's treatment of totalitarianism is ambivalent. She believes that the totalitarian state is "structureless," yet develops in admirable detail a theory of totalitarian organization according to which power radiates from the Leader at the core through the several layers of intimate circle, secret police and "elite" formations on out to party members and fellow travelers. Despite this pattern of hierarchy, however, she says that totalitarian government is not ruled by a clique or gang but is some sort of mass phenomenon based on "the isolation of atomized individuals." Such a government is unconcerned with lust for power or for a power-generating machine, but seeks and moves by "an entirely new and unprecedented concept of power . . . the force produced through organization."

This is strange doctrine. Organizational power is neither new nor unprecedented; it came into being the day men discovered power and conspired to seize it, and it has remained the customary way in which men have sought and exercised it. Moreover, power is always both means and end: men seek it for an imagined ideal and then, all too often, abandon the ideal for the worship of power itself.

Dr. Arendt's sensitive if near-mystical probings lead her to significant psychological insights concerning the nature of the totalitarian movement. But she unduly minimizes the impact of economic and political forces and indulges a detestation for something she calls the "mob." In her view the "mob," when combined with "elite," produces totalitarianism (as the "mob" is the

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basis of imperialism and anti-Semitism). But her inability clearly to delineate either "elite" or "mob" renders her discussion meaningless. Her failure to see that, however defined, "elites" and "mobs" are multiple and struggle as competing alliances, defeats any attempt to interpret categorically "mob" or "elite" phenomena; it prevents her from recognizing that "elite-mob" combinations are consistent not only with totalitarianism but with democracy; for the crucial question is not the existence of "elite" or "mob" but whether the "elite" is politically responsible.

Indeed, it is her failure to understand democracy that leads her to venture as "a new political principle" the principle of democracy itself. Not to recognize it does not make it wrong, but it makes analysis difficult; Dr. Arendt's brief concluding chapter escapes analysis by resort to affirmation. DAVID SPITZ

David Spitz, assistant professor of Political Science at Ohio State University, is the author of Patterns of Anti-Democratic Thought.

WHAT PEOPLE SAID

THE ROOSEVELT TREASURY. Edited by James N. Rosenau (Doubleday; $5).

ALTHOUGH this book contains no new material, its effect is one of novelty. From the already massive literature devoted to Franklin D. Roosevelt, James N. Rosenau has selected more than one hundred vivid impressions set down by people who, in one way or another, were in intimate contact with him at various times. The result is not a coherent or unified portrait but a rapidly moving picture taken from constantly changing angles. This registers, with extreme success, FDR's bewildering complexity, as well as his faculty for revealing, at any given time, the facet of his personality elicited by the person or situation that confronted him. By skillful balances and contrasts in his selections, Rosenau has succeeded in presenting the protean quality of the man: his virtues and defects; his exuberance, courage and immense self-confidence; the charm which he was able to turn on whenever he wished; his political adroitness and the evasiveness into which it sometimes betrayed him. Behind the public attributes, as those who were closest to him attest, there was something impenetrable and enigmatic which FDR deliberately held in reserve. Apart from that secret, this book furnishes the most varied and luminous characterization that has yet appeared of the greatest figure in American life during this century. LLOYD MORRIS

WILSON'S TUMULTY

JOE TUMULTY AND THE WILSON ERA, by John Morton Blum (Houghton Mifflin; $4).

"THROUGH SENIORITY, Southern Democrats dominated the committees of the House of Representatives. The Speaker was their unfailing ally. Reviewing the personnel of the House in an attempt to find new leadership, one anonymous Administration adviser concluded that it was "hopeless. . . . It was too late to overcome the Southern predominance in Congress and in party councils."

This gloomy analysis sounds remarkably like a Fair Dealer reporting to President Truman. Actually, however, it is a summary by John Morton Blum of a memorandum to Woodrow Wilson on the problem of liberals in the 65th Congress, 1917-19. The acute dissection of the origin and development of this and other persistent issues in American politics gives *Joe Tumulty and the Wilson Era* an unflagging interest.

Joe Tumulty was a shrewd yet idealistic 31-year-old Jersey City politico when he became secretary to the newly elected Governor of New Jersey in 1911. After doing much to make his chief President, he went along with Wilson to the White House two years later.

For the next eight years as chief secretary to the President, Tumulty handled the press, distributed patronage, mediated intra-administration disputes, prodded Congress, battled the Dixiecrats. If Colonel House was Wilson's Harry Hopkins, Tumulty was his Steve Early, Tom Corcoran, and most of the time his Jim Farley. It was a grueling and impossible job which fifteen men share today. Tumulty handled it with skill and, on the whole, with success.

Wilson had no interest in patronage and political manipulation. Blum remarks: "For Wilson, friendly delegations were always manifestations of the voice of the people. Tumulty could not afford so to delude himself." In this brilliant analysis of a politician at work, Blum shows how Tumulty used all the conventional political methods to help put across the program of the "New Freedom." For a brief period, Tumulty held together the working coalition of big-city machines, middle-class liberals, labor unions and Southerners which Franklin Roosevelt reorganized and strengthened in the thirties. Then as now, it was the basis of Democratic Party power.

It has often been said that Wilson failed to lead America into the League of Nations because he was "too far ahead of the people." Blum demonstrates that the secret of Wilson's failure was that, harassed and overworked, he failed to do the job of public education and backstage political wire-pulling he and Tumulty had done in behalf of the domestic program in 1913-16. The League, like the New Freedom, might conceivably have been saved by the votes of men moved by less exalted considerations than world peace.

Written with grace and spirit and with genuine insight into the workings of practical politics, this book is an excellent example of the newer political history now being written. By making a meaningful connection between political maneuvers and live social issues, Mr. Blum has helped redeem a once barren field. WILLIAM V. SHANNON

William V. Shannon is Washington correspondent of the New York Post and co-author of The Truman Merry-Go-Round.

FICTION PARADE

THE CONSUL AT SUNSET, by Gerald Hanley (Macmillan; $3).

SWANSON, by Timothy Pember (Harcourt, Brace; $3).

TI-COYO AND HIS SHARK, by Clément Richer (Knopf; $3).

THEIR Britannic Majesties, we read, are already planning a royal visit to Australia next year; so the Empire continues to preserve itself, at least in symbol. In fact, as Gerald Hanley's thoughtful novel makes clear, "its bright day is done," and not only its literal corpus but its Roman vision of human experience "are for the dark." When Captain Sole arrives at a

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remote African outpost to assume the civil authority and maintain, as the first principle of Empire prescribes, Order from the Center, he finds himself believing in neither his right nor his capacity to do so. He is helpless to curb the strife among the natives, and his Colonel, arriving in time to prevent tribal war, summons him in dismay. Has Sole no sense of hierarchy, or the responsibility to make order? Sole has not. With the chaos of Europe behind him, he cannot feel that he or any other European is superior to the local tribesmen. Like all individuals, they must find their own way, and of their own volition, into order. Romanitas is passing; democritas, for better or worse, is dawning; the rim must choose to have a hub. Sole leaves the colonial service to study soil erosion; and his Colonel, baffled, salutes the Union Jack at sunset, wondering where his world has gone.

Essentially the same vision, of human beings as bootstrappers who can be lifted up by self-knowledge and individual will alone, inspires Timothy Pember's *Swanson*. Yet in his portrait of a smug English professor who loses his job but finds his heart, I wish he could have contrived (as Hanley did) a more probable machinery of plot. I myself cannot quite believe that a Cambridge man who has published a book of essays and relishes the verse of Bishop King would either be dismissed from an American university under the preposterous circumstances here described, or if he had, be able to find no better employment than cleaning drains and no better place to live than a shack beside the city dump. Still, there is a long chapter called "Sacramento" which proves, by its evocation of the unremarkability of everyday living, that the blurb is not altogether presumptuous in comparing its client with E. M. Forster.

Clément Richer writes in French, and this "immoral fable," although his seventh novel, is the first to get into English. It is about a West Indian half-caste who establishes a monopoly in the local coin-diving trade by the daydream strategy of training a shark to eclipse his competitors. If by adding that it has enough sadistic bad taste and pre-pubescent imagination to make a first-rate comic book, I betray a jaundiced view, I cannot help it. That so relentless a triviality as this should find its way through the toils of translation and across the Atlantic when, to pick a name at random, as important and original a French writer as Marcel Jouhandeau remains wholly unavailable here, renders me unobjective.

ROBERT PHELPS

Robert Phelps, who recently edited Melville's Confidence-Man and a selection of Aphra Behn's novels, reviews for the New York Times and the Nation.

THEATRE: The Kinds of Actors

I HAVE SAID that the English theatre is better than the French. In certain respects, it is also better than the American, although both the French and American theatres are superior to the English in the number and quality of younger playwrights. During my stay in London, I did not see a single new English play—aside from Fry's one-act *A Sleep of Prisoners*—of exceptional interest. To those people for whom the literary aspect of the stage is all-important, my statement must make no sense. But the theatre is not essentially a literary art, and there can be good theatre of mediocre literary interest.

There are an extraordinary number of excellent actors on the English stage, and several very fine directors and designers. But what is most significant is the widespread activity, a general unity of style and an audience with a palpable and sustained devotion to the theatre. More foreign plays are done every season in London than in New York, while the most frequently produced playwrights are Shakespeare and Shaw.

English actors have fine voices, admirable speech and an elegance of stage deportment that come both from the experience offered by the ubiquitous repertory companies and the stress laid, off as well as on the stage, on good form in bearing. The English actor looks and sounds like one. Such an observation in America is considered disparag-

Exposing the weaknesses Russia tries to conceal from us

CRACKS in the KREMLIN WALL

by EDWARD CRANKSHAW

author of *Russia and the Russians*

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ing; I mean it as a compliment. One sits in an English theatre conscious that one has been asked there to contemplate a different and a more beautiful world. Above all stands the English character actor, whose simple, graphic effectiveness is a joy to behold.

The English acting style is based on the old theatre, that is, on the training of the romantically-classic Shakespearean repertory or on that of the music-hall or variety show. The English have learned how to convert these older acting styles to more or less realistic uses. The passage from the older style to the more recent one was made by way of the polite comedy or drawing-room play. An American actor who is good in an Odets piece rarely gives the impression that he might also be fine in Elizabethan tragedy, whereas most English actors seem almost impatient for the opportunity to return from the "kitchen" to the castle. No matter how convincing an English actor is in a modern prose play, we always have a sense that he was first trained to speak verse.

English acting generally seems *sharper* than American. The English actor seems to frame his characterization—no matter in what vein—and offer it to us as something distinct from himself, a skilled piece of work of which he is the maker rather than the material. The American tries to be or to become the character: he is the stuff of which his acting is made. With the English we get a greater sense of craft, with the American a more immediate sense of life.

It would be somewhat beside the point to make a choice between these modes of acting. Let us say that while I am personally partial to the American approach, I feel that the English actor is more proficient in his style than the American has learned as yet to be in his. In short, the English actor is more thoroughly professional. This sounds harsh, but I believe in the American actor's promise and even in his modest accomplishment along a path not yet undertaken or always understood by the English. The English actor—and this is true also of his director—is imbued with enthusiasm for the theatre as a craft; the American actor, less aware of craft as such, seeks in the theatre an outlet for a profound personal emotion which is somehow part of his representative quality as a member of the community. That is one reason why the American theatre, for all its shortcomings, seems closer to reality than does the English, for all its admirable features.

What the American actor needs is more training, experience and the opportunity to develop as an artist. The French actor, with an even stricter classical background than the English as well as a more deeply-rooted popular one, might be saltier, more colorful, more varied and more commanding than either the English or the American, but the Frenchman suffers from the decay of his theatre as a complete organism.

The French actor today appears to me as neglected as his theatre: complacency, sloppiness, cynicism or indifference are beginning to break down his once great tradition. The English actor maintains a fine standard within limits — which might be extended through the demands of powerful new authors (when they arrive) and directors who are less expert traditionalists but more impatient and rugged visionaries than the best of the present English directors. A first-rate theatre person is not only one who makes great demands of the theatre but, through the theatre, of life itself. The American actor who, at the moment, has the most to give in terms of fresh impulse and a certain semi-conscious spiritual seriousness is hampered (as is the American director) only by the lack of freedom to work, to produce and to learn through the aid of widespread public encouragement and permanent practice.

HAROLD CLURMAN

This is the last of Mr. Clurman's European essays. – THE EDITORS

ON THE AIR: Westward Ho!

ON THE West Coast there has been for several years an organization with a set of initials so formidable that I must split them into syllables—SCAF-BRAT (Southern California Association for Better Radio and Television). Mrs. Clara S. Logan, founder and for the past two years president of this Los Angeles group, notifies me that it has just been reincorporated on a national scale. Mrs. Logan is now president of NAF-BRAT (the National Association for Better Radio and Television). I hope that before the expiration of the onrushing broadcasting season the initials NAF-BRAT will be as recognizable to the air audience as the FCC.

SCAF-BRAT was a non-profit corporation "dedicated to the advancement of the public's interest in the broadcasting industries." It acted as a co-ordinating group to advance the interests of all existing organizations—civic, religious, educational, business, etc.—concerned with radio and television program standards. It looked upon radio and TV as a social force, an informational medium and an educational tool. In a mild way—SCAF-BRAT opposed any recourse to legal censorship—it acted also as a pressure group, "presenting" its opinions of broadcasting programs and practices. SCAF-BRAT, for instance, evaluated Los Angeles TV programs two years ago so realistically that broadcasters still wince when its survey is mentioned.

All of SCAF-BRAT's aims and purposes, as well as its techniques for enlisting the aid and interest of various groups in the community, have been taken over by the national organization. A new board of directors is being formed and the organization will no doubt apply to some philanthropic outfit, probably the Ford Foundation, for a sizable grant to help expand the program. I should like to see the Ford people give NAF-BRAT not only the monies it may need for organizational purposes, but an additional sum—say another $1.2 million—to match the allocation it has made for the production of educational TV programs that will be handed free to the commercial broadcasters. Why not, indeed, match NAF-

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BRAT's ideas on programming against the notions of the men dedicated to educational principles based on standard brands and box tops?

I have just polished off my vacation by monitoring a television station in a large New England city blessed with nine radio outlets and only one transmitting video. I do not name the city because I do not want to point a finger at this lone broadcaster, who may be a nice fellow. All I know is that, during his broadcast day, from 10:55 a.m. to midnight, he showed me one half-hour of "public service" programming—a film he got gratis from a government agency—and two shows that originated locally—one extremely dull, the other a series of film-musical shorts salted and peppered with commercials. For the rest, the station's engineers merely changed electric connections, plugging out one network and piping in another.

I have little doubt that this TV monopolist will be happy to take some of those programs financed by the Ford grant of $1.2 million for educational purposes. He'll not only get good shows produced with high professional skill, but he'll be allowed to hook up whatever sponsorship pleases him—thus getting paid for the time devoted to public service. That Ford money may even result in some experimental work. But NAF-BRAT might experiment in different directions. Certainly it ought to be given the chance.

Now, here is my closing commercial. If you are interested in NAF-BRAT, send me a postcard, and also tell me what local or national organization you would like to see represented on NAF-BRAT. There are times when one should do just a little more than wish. Wayne Coy, chairman of the Federal Communications Commission, addressing SCAF-BRAT, said: "The listener—not the broadcaster, not the advertiser, not the government—is the most important party in the American system of free broadcasting. The time has come for the listener to make himself heard—not in sporadic, exasperated outbursts, but in an intelligent, rational, *organized* fashion."

SAUL CARSON

(Continued from page 16)

gress to appropriate funds to start construction. "The fact of the matter is that this procedure has seldom been observed," the report states. "On 157 of the 182 projects comprising the entire construction program, the Corps requested initial construction funds prior to the time that definite project reports were completed. . . . " On projects totaling $4.9 billion in cost the Engineers had requested, and received, the go-ahead signal without ever attempting to secure adequate appraisals.

Such working conditions have proved ideal for the contractors, power companies and pork-hungry politicians affiliated in the Rivers and Harbors Congress, which describes itself as occupying "semi-official status by reason of its close liaison with governmental agencies, legislative and executive." With Senator McClellan as its president, it regularly solicits its members for suggestions on new projects to keep the Engineers busy.

The recent disastrous flood on the Missouri has served to arouse some public protest against the way in which the Engineers have wasted millions on an economically unwarranted Missouri shipping channel while delaying dam projects and ignoring conservation work. The CIO has sharply criticized the Corps of Engineers and demanded that President Truman push for an MVA. It has been joined by the National Farmers Union which has declared that: "Farmers have had enough—and more than enough—of the Army Engineers in civil works and of jumbled, competing, backbiting, inter-agency boondoggling in the river valleys."

But the Engineers and their friends in Congress are strong. McClellan sits hostilely at the head of the key Committee on Expenditures, and there is scarcely a Representative who does not have an Engineers' project in his district. Waste or no waste, projects like the Pick-Sloan Plan have brought money into areas all over the country and receive voluble support. But the score keeps going up: The Hoover Report, a $1 billion flood, the House committee report exposing the Engineers' mythical "efficiency." How high must it go?

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